

Second Term, 1990-91

ADVANCED PROBLEMS IN GATT LAW

(Professor Hudec)

READING ASSIGNMENTS

AND

READING MATERIALS

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FACULTY OF LAW  
UNIVERSITY OF TORONTO

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## READING ASSIGNMENTS

### I. REQUIRED TEXTS

The only text required for the course is the attached set of reading materials.

In addition, you will need a text of the GATT Agreement, Articles I to XXXVIII, plus the Ad Notes.

### II. ASSIGNMENTS

Monday, January 7, 1:10 - 2:00:

PRODUCT STANDARDS: Read "The Hormones Problem" on pages 1-3. Prepare to discuss the questions on page 3.

Tuesday, January 8, 12:00 - 2:00:

PUBLIC POLICY EXCEPTIONS: Read the panel report in the Salmon and Herring case, pages 4-22. Prepare to discuss the questions on pages 21-22.

Wednesday, January 9, 12:00 - 2:00:

REGULATORY NEUTRALITY: Read the panel report in the Section 337 case, pages 32-58. Prepare to discuss the questions on pages 57-58.

Friday, January 11, 12:00 - 3:00:

AGRICULTURE EXCEPTION: Read the extract from the panel report on Japanese Agricultural Restrictions on pages 59-76. Prepare to discuss the comments and questions on pages 73-76. Then, read the Canadian Ice Cream and Yoghurt case on pages 76-105. Consider how you would have ruled in the case.

Tuesday, January 15, 12:00 - 2:00:

AGRICULTURAL SUBSIDIES: Pages 106-109 contain the relevant provisions of the 1979 GATT Subsidies Code that are applied in the Pasta case, on pages 110-125. The panel report on the case was never adopted, due to division of the membership along the lines of majority and dissenting opinion. Read the entire panel report critically, and be prepared to discuss how you would have advised your government to vote in the case. The final settlement in the case is reported on pages 126-128.

In addition, read and prepare to discuss the Article III:4 ruling in the panel report on EC Oilseeds Subsidies, 129-135.

Wednesday, January 16, 12:00 - 2:00:


NULLIFICATION AND IMPAIRMENT. Read the Australian Subsidy and German Sardines cases on pages 136-143, and be prepared to discuss the legal rulings in each case. Then, read and prepare to discuss the most recent such ruling -- the other half of the EC Oilseeds Subsidy case, pages 144-151. If time permits, we shall also discuss the three other problem cases outlined on pages 152-153.

Friday, January 18, 12:00 - 3:00:

The assignment will be formulated according to the amount of time actually remaining. Experience teaches that there may not be any.

#### EVALUATION

The medium of evaluation will be a reflective paper of the usual length for this type of course. Certain of the questions contained in this material could serve as a topic for such a paper. See, for example, the problem of defining a legal standard for product standards on p. 3; Questions 1-A and 6 on pp. 21-22; the legal standards implied in several of the questions of 57-58; Question 5 on page 75; any of the three cases described on pp. 152-153.



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